

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

\_\_\_\_\_  
RYAN CORDEIRO,  
ASHLEY CORDEIRO,  
*Plaintiffs,*

v.

\_\_\_\_\_  
CARRINGTON MORTGAGE SERVICES, LLC,  
KORDE & ASSOCIATES, PC,  
*Defendants.*

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) C.A. No. 1:19-cv-00510-WES-LDA  
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**MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS OF  
DEFENDANT CARRINGTON MORTGAGE SERVICES, LLC**

Defendant Carrington Mortgage Services, LLC (“CMS”), pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, hereby moves for entry of judgment on the pleadings in CMS’s favor with respect to all Counts of the Complaint asserted by Ashley Cordeiro, and Counts III through VIII of the Complaint as to both Ashley Cordeiro and Ryan Cordeiro (together, the “Plaintiffs”).

Ashely Cordeiro is not a party to the mortgage or the note and, therefore, has no standing to bring suit arising out of those contracts. Count III for injunctive relief fails to plausibly plead an independent cause of action. Counts IV and V for alleged violations of the FDCPA contain only allegations against Defendant Korde & Associates, PC (“Korde”) and thus CMS cannot be held liable under those Counts. Finally, Counts VI through VIII fail because Plaintiffs have failed to plead injury-in-fact and particularized damages sufficient to support claims for violations under the Truth in Lending Act and the Real Estate Settlement Procedures Act.

WHEREFORE, for the foregoing reasons, CMS requests this Court to enter judgment in its favor with respect to all Counts of the Complaint as to Ashley Cordeiro, Counts III through VIII as to both Plaintiffs, and any and all such further relief as the Court deems just.

Respectfully submitted,

**CARRINGTON MORTGAGE SERVICES, LLC,**

By its attorneys,

/s/ Carson M. Shea

Christian B.W. Stephens (R.I. #7537)

Carson M. Shea (R.I. #9744)

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Dated: November 22, 2019

**RULE 7(c) STATEMENT**

Oral argument is not requested.

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and electronic copies will be emailed to those parties which are as non-registered participants.

Date: November 22, 2019

/s/ Carson M. Shea

Carson M. Shea